

**SAGINAW COUNTY
FRIEND OF THE COURT**

FOR THE 10TH JUDICIAL CIRCUIT – FAMILY DIVISION



FAMILY COURT JUDGES
JANET M. BOES
FRED L. BORCHARD
JAMES T. BORCHARD
DARNELL JACKSON
ROBERT L. KACZMAREK
PATRICK J. McGRAW
BARBARA L. METER

SUSAN K. PRINE
FRIEND OF THE COURT
111 S. Michigan Ave.
Saginaw, MI 48602-2019
Ph (989) 790-5300
TDD (989) 790-5568
Fax (989) 791-3855

August 19, 2015

Richard A. Calice

RE: Melissa Calice vs Richard Calice
File No. 12-017215-DZ-4

Dear Mr. Calice:

A hearing was held on August 12, 2015, before the Honorable James Borchard. At that time, the matter to be addressed was Ms. Calice's objections to Ms. Hogenson's recommendation regarding joint legal custody. Based upon the Judge's ruling regarding joint legal custody, an Order was entered August 19, 2015. I have attached a copy of that Order to this letter. I have also attached a copy of the Order of November 8, 2013. Other than the joint legal custody provision in that Order, the remainder of said Order is in effect and is to be followed by both parties.

Normally, as set out in the November 18, 2013, you would have eight weeks of summer parenting time beginning the day after the school year concludes. However, inasmuch as your parenting time had been suspended, you were not allowed to exercise the summer parenting time for 2015. As a result, the Judge stated on the record that, for the summer of 2015, you would have the children beginning August 12, 2015 and ending Friday, September 4, 2015, which is the Friday before school commences. You are permitted to exercise this parenting time in the State of Maryland. Although it is not set out in the Order of August 19, 2015, let this letter serve as notice to you and Ms. Calice that you are allowed to exercise this parenting time in the State of Maryland. Therefore, you are not restricted to stay in the State of Michigan with the children during this summer parenting time.

Sincerely,

SUSAN K. PRINE
Friend of the Court

CC: Timothy McLeod

cc CIVIL + COURT FILE
BKD

STATE OF MICHIGAN
IN THE 10TH JUDICIAL CIRCUIT COURT - FAMILY DIVISION
SAGINAW COUNTY

MELISSA J. CALICE,
Plaintiff

FILE #: 2012 017215 DZ - 4

Vs

RICHARD A. CALICE,
Defendant

A TRUE COPY
Susan Kaltenbach, Clerk

ORDER REGARDING LEGAL CUSTODY

AT A SESSION OF SAID COURT HELD AT THE COURT HOUSE IN THE CITY AND COUNTY
OF SAGINAW, STATE OF MICHIGAN, ON THIS 19 DAY OF August, 2015.

This matter came before the Court on August 12, 2015 for Plaintiff-Mother's objection to the report and recommendation regarding legal custody. Plaintiff-Mother and her attorney, Defendant-Father, and an Associate Friend of the Court appeared. The Court held a hearing and the Court being otherwise fully advised in the premises orders as follows:

IT IS ORDERED that effective August 12, 2015 the Plaintiff and Defendant shall be granted joint legal custody of the two minor children of this cause with Plaintiff having 51% custody and Defendant having 49% custody.

IT IS ORDERED that Plaintiff shall ensure that Defendant is included in any and all major decisions involving the children. If the parties are unable to agree regarding a joint legal custody issue then Plaintiff shall ultimately make the decision.

IT IS ORDERED the Plaintiff shall see to Defendant having information necessary to access the schools, physicians and any third party professionals working with the children.

IT IS ORDERED the Defendant shall interact in a professional manner with those individuals working with the minor children. He shall not threaten, video or audio tape, or speak disrespectfully to the individuals (teacher, coaches, therapists, physicians) who may be involved at any juncture in the children's lives. If evidence exists of ongoing difficult interaction with involved professionals and/or the children's needs being compromised because of his lack of cooperation, revocation of Defendant's joint legal custody privileges may be considered in the future.

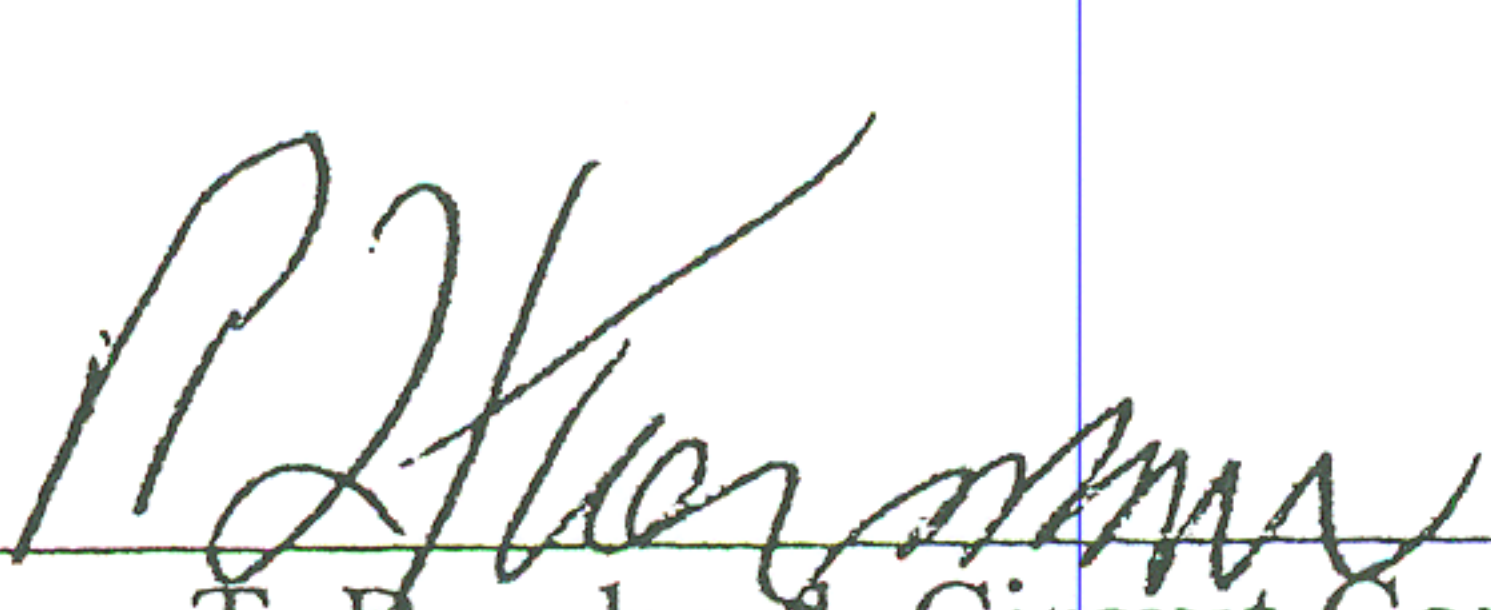
IT IS ORDERED the Defendant shall see to Plaintiff having information necessary to any relevant professionals involved with the children during his parenting time periods, as well. He shall include her in and reach agreement upon any major decisions necessary during his parenting time periods. If the parties are unable to agree, Plaintiff will ultimately be entitled to make the decision.

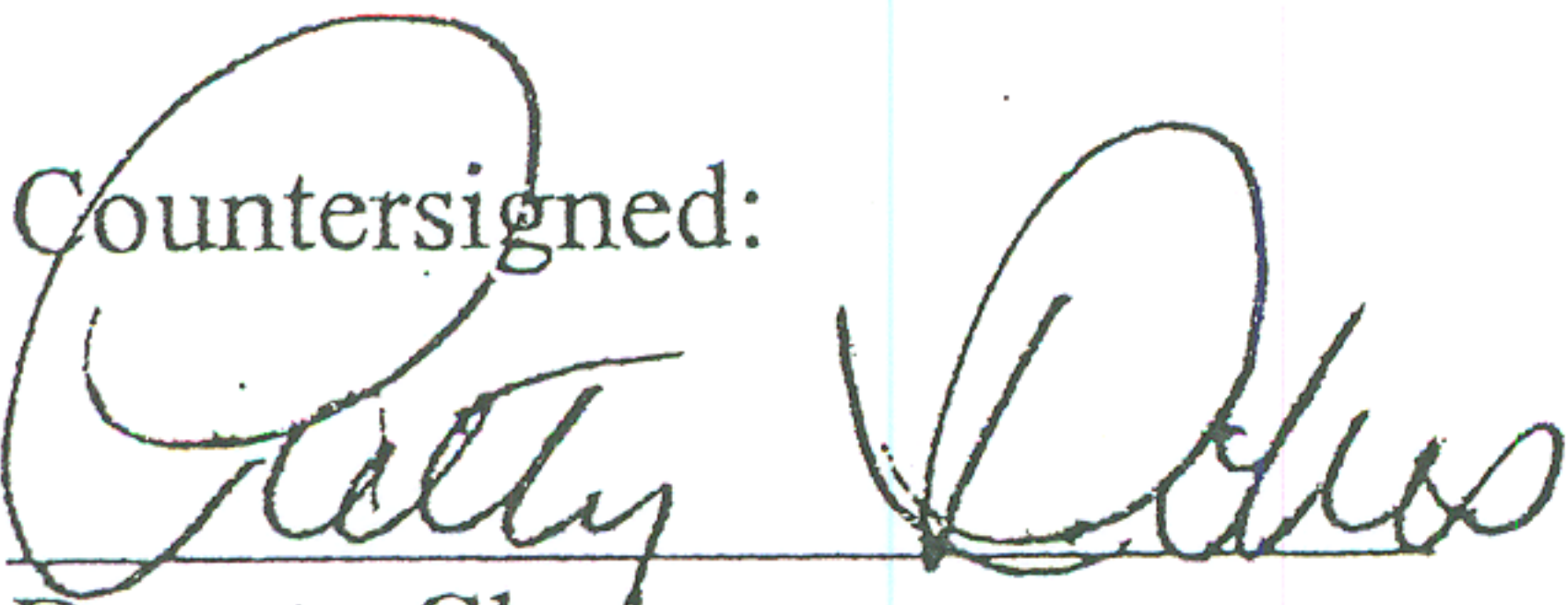
IT IS ORDERED that the Court's prior order allowing the minor child, Rocco's physician(s) to prescribe medication for ADHD, and for this child to take these medications shall remain in full force and effect.

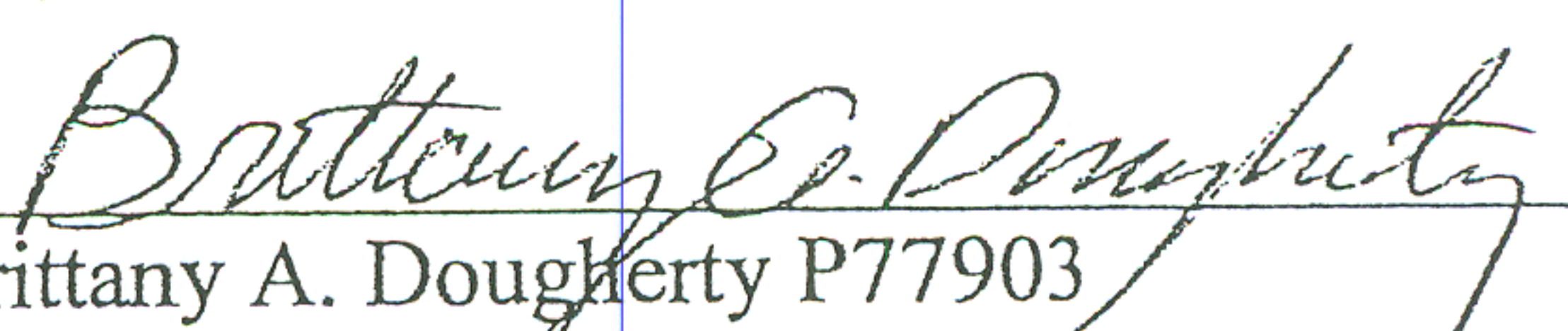
IT IS ORDERED that both parties shall see to giving the children any/all medication prescribed b their treating physician.

IT IS ORDERED that in either parent's absence at an agreed upon major medical appointment/procedure, the absent parent shall provide the other parent written documentation for the treating physicians, for purposes of agreeing upon a course of treatment in their absence.

IT IS FURTHER ORDERED that all previous orders and provisions of previous orders not in conflict with this order shall remain in full force and effect.


James T. Borchard, Circuit Court Judge
Acting in the Absence of
Hon. James T. Borchard
CIRCUIT JUDGE

Countersigned:

Deputy Clerk

Prepared by:

Brittany A. Dougherty P77903
Associate Friend of the Court

CERTIFICATE OF MAILING

I certify that I sent by first class mail with postage fully prepaid thereon, a copy of the foregoing to the Plaintiff and Defendant and/or attorneys of record, at their addresses as shown by the most recent record by the Friend of the Court.

19 Aug 15
Date of Mailing


Friend of the Court Staff

(8)

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
Attorneys for Plaintiff
820 N. Michigan Avenue, P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603
(989) 793-6440

2013 NOV 14 PM 12:43

ORDER ESTABLISHING CUSTODY AND PARENTING TIME

AT A SESSION OF SAID COURT HELD IN THE
COURTHOUSE IN THE CITY OF SAGINAW, COUNTY OF
SAGINAW, AND STATE OF MICHIGAN, ON THE 8th
DAY OF Nov, 2013, A.D.

PRESENT: HON. FRED L. BORCHARD, CIRCUIT JUDGE

This matter came before the Court on the scheduled trial date of November 5th, 2013.

The issues of Custody and Parenting Time being at issue, the Court having interviewed the parties, the minor child, Rocco Calice, and Jill Hogenson; the parties having conferred with Jill Hogenson and counsel and Jill Hogenson having issued her supplemental report and recommendation dated November 5th, 2013. The parties having reached an agreement that the recommendations of Jill Hogenson dated November 5th, 2013 shall be entered as an order of this Court pertaining to Custody and Parenting Time arrangements,

A TRUE COPY
Susan Kaltenbach, Clerk

BURKHART, PICARD, TIDERTINGTON, & McLEOD, PLLC, 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

HUBBART, PICARD, TYDERINGTON, & MCLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

IT IS FURTHER ORDERED AND ADJUDGED that a trial date be set for any remaining matters that require the Court's determination.

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC.
BY: TIMOTHY R. McLEOD (P29880)
Attorney for Plaintiff
820 North Michigan Avenue
P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

Exhibit
1

STATE OF MICHIGAN
IN THE 10TH JUDICIAL CIRCUIT-FAMILY DIVISION

MELISSA CALICE,

PLAINTIFF

-VS-

FILE NO: 12-017215 DZ-1

RICHARD CALICE, JR.,

DEFENDANT

MINOR CHILDREN OF THIS CAUSE:

ROCCO BORN: 10-27-06 AGE: 7

AMELIA BORN: 04-25-08 AGE: 5

REASON FOR REFERRAL:

This case was referred to Jill Hogenson, LMSW, ACSW, for a supplemental recommendation on the issues of custody and parenting time.

INTERVIEW:

Pursuant to agreement between the parties, this writer met with Plaintiff Mother and Defendant Father on the issues of custody and parenting time in an effort towards reaching agreement.

The parties' counsel, Mr. Thomas Demetriou and Mr. Timothy McLeod, were also consulted with on current concerns and the parties' positions on issues relevant to the case.

Pursuant to lengthy discussion and request from the Court, this writer will provide supplemental recommendations in this matter. Said recommendations are based upon partial agreement and what is viewed as an effort to provide for the love, nurturing and relational needs both children have for each of their parents.

There is no indication to suggest either parent to be incompetent, nor that the strengths or weaknesses of these parents suggest the children's strong need for the predominance or exclusion of either their Mother or Father's relationship. The children are viewed established historically and presently in the primary care of their Mother. At this time, they have been settled within an appropriate school setting, routine and caregiving circumstance which appears to be comfortable and provide security. There is no evidence they are not flourishing at present.

The children's established circumstance does not, however, impede or disqualify their ever-present need for the love, values and influence of their Father. What he offers them will compliment and

CALICE -VS- CALICE

FILE ON: 12-017215 DZ-1

1. THE PARTIES SHALL BE GRANTED JOINT LEGAL CUSTODY OF THE TWO MINOR CHILDREN OF THIS CAUSE, ROCCO AND AMELIA CALICE.

THE PLAINTIFF SHALL BE GRANTED PHYSICAL CUSTODY OF THE TWO MINOR CHILDREN.

2. THE DEFENDANT SHALL BE GRANTED LIBERAL PARENTING TIME WITH THE MINOR CHILDREN AS FOLLOWS:

A) THE DEFENDANT SHALL HAVE THE CHILDREN FOR THE EXTENT OF THEIR CHRISTMAS BREAK EACH ODD NUMBERED YEAR, BEGINNING THE DAY AFTER SCHOOL CONCLUDES FOR THE CHRISTMAS BREAK UNTIL THE DAY PRIOR TO SCHOOL RESUMING.

THE DEFENDANT SHALL HAVE THE CHILDREN FROM 12/26- 12/30 ON ALL EVEN NUMBERED YEARS.

B) THE DEFENDANT SHALL HAVE THE CHILDREN FOR THE EXTENT OF THEIR THANKSGIVING BREAK EACH EVEN NUMBERED YEAR, BEGINNING THE DAY SCHOOL CONCLUDES FOR BREAK, AND EXTENDING THROUGH SUNDAY AT 6:00 P.M.

THE DEFENDANT SHALL HAVE THE CHILDREN ON THE WEEKEND FOLLOWING THE THANKSGIVING HOLIDAY, FROM FRIDAY AT 6:00 P.M. THROUGH SUNDAY AT 6:00 P.M. ON ALL ODD NUMBERED YEARS.

C) THE DEFENDANT SHALL HAVE THE CHILDREN FOR THE DURATION OF THEIR SCHOOL SPRING BREAK EACH YEAR, BEGINNING THE DAY AFTER SCHOOL CONCLUDES FOR THE BREAK UNTIL THE DAY PRIOR TO SCHOOL RESUMING.

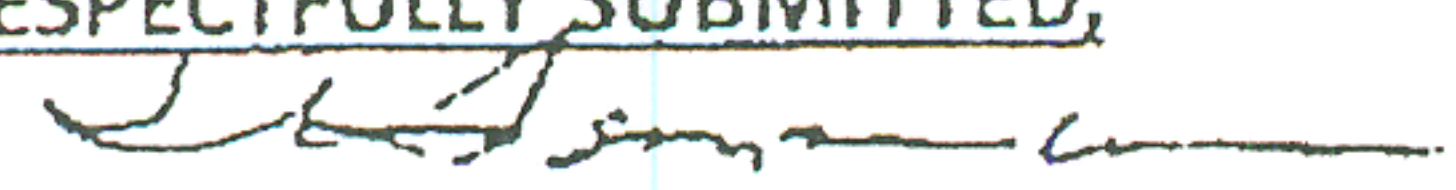
D) THE DEFENDANT SHALL HAVE TWO (2) WEEKENDS EACH SCHOOL YEAR, TO EXERCISE PARENTING TIME WITH THE CHILDREN IN THE STATE OF MICHIGAN. UNLESS OTHERWISE AGREEABLE, THE DEFENDANT SHALL EXERCISE THESE IN THE MONTHS OF OCTOBER AND FEBRUARY OF EACH YEAR. THE WEEKENDS SHALL OCCUR ON THE 2ND FULL WEEKEND OF EACH MONTH, FROM FRIDAY AT 6:00 P.M. UNTIL SUNDAY AT 6:00 P.M.

E) DURING THE SUMMER MONTHS, THE DEFENDANT SHALL HAVE THE CHILDREN FROM THE DAY AFTER THE SCHOOL YEAR CONCLUDES, FOR A PERIOD OF EIGHT (8) CONSECUTIVE WEEKS EACH YEAR.

3. THE PARTIES SHALL SHARE THE COSTS OF TRANSPORTATION FOR THE DEFENDANT'S CHRISTMAS (ODD NUMBERED YEARS), THE DEFENDANT'S THANKSGIVING (EVEN NUMBERED YEARS), THE DEFENDANT'S SPRING BREAK (ONLY THE ODD NUMBERED YEARS BREAK), AND EACH SUMMER. THE DEFENDANT SHALL BE RESPONSIBLE FOR THE TRANSPORTATION FOR ALL OTHER PARENTING TIME PERIODS.

4. BOTH PARTIES SHALL HAVE THE ABILITY TO HAVE PHONE CONTACT WITH THE CHILDREN A MINIMUM OF TWO TIMES EACH WEEK DURING THEIR PARENTING TIME PERIODS. THE PARTIES MAY ARRANGE FACETIME WITH THE CHILDREN AS IS FEASIBLE.

RESPECTFULLY SUBMITTED,


JILL HOGENSON, LMSW, ACSW

CUSTODY SPECIALIST

11/5/2013

BURKHART, PICARD, TIDERINGTON, & McLEOD, P.L.L.C.
ATTORNEYS AT LAW

OFFICE ADDRESS: 820 NORTH MICHIGAN AVENUE • SAGINAW, MICHIGAN 48602
MAILING ADDRESS: P.O. BOX 6055 • SAGINAW, MICHIGAN 48608
PHONE: (989) 753-4441 • FAX: (989) 753-7560 • E-MAIL: BPTM4@AMERITECH.NET

THOMAS D. BURKHART
CHRISTOPHER A. PICARD

JAMES TIDERINGTON
TIMOTHY R. McLEOD

November 13, 2013

Court Clerk
Saginaw County Circuit Court
111 S. Michigan Avenue
Saginaw, Michigan 48603

Re: Melissa Jayne Calice vs. Richard Anthony Calice, Jr.
File No. 12-017215-DM-1

Dear Court Clerk:

Enclosed please find an original Proof of Service regarding the above entitled matter.

Yours Very Truly,

BURKHART, PICARD,
TIDERINGTON, & McLEOD, PLLC



TIMOTHY R. McLEOD

TRM:jab

Enclosure

CC: Saginaw County Friend of the Court
Thomas J. Demetriou
William A. Brisbois
Melissa J. Calice

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

vs.

File No. 12-017215-DM-1

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
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820 N. Michigan Avenue, P.O. Box 6055
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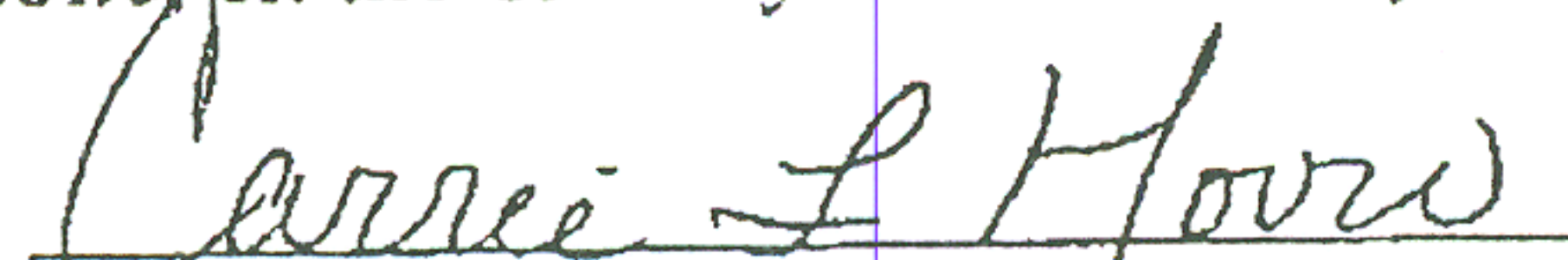
PROOF OF SERVICE

STATE OF MICHIGAN)
COUNTY OF SAGINAW) ss.

JILL A. BENDER, being duly sworn, deposes and says that she is an employee of TIMOTHY R. McLEOD and that on the 13th day of November, 2013, she filed the original Proof of Service with the Saginaw County Circuit Court Clerk with a copy of said document and Order Establishing Custody and Parenting Time to Saginaw County Friend of the Court, 111 S. Michigan Avenue, Saginaw, Michigan 48602 and Thomas J. Demetriou, Attorney at Law, 3262 Cabaret Trail, Suite 206, Saginaw, Michigan 48603 via e-mail: tjd@tomdemetriou.com and by enclosing same in sealed envelopes, postage prepaid, directed to the address as set forth herein depositing same in the U.S. Mail at Saginaw, Michigan.


JILL A. BENDER

Subscribed and sworn to before me, a Notary Public, on the 13th day of November, 2013.


CARRIE L. HOVIS, Notary Public
Saginaw County, Michigan
My Commission expires: 10-21-2017

BURKHART, PICARD, TIDERTINGTON, & McLEOD, PLLC, 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608